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THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Report of the Secretary-General prepared pursuant to Commission resolution 1995/83

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Introduction

1. In its resolution 1995/83 of 8 March 1995 the Commission on Human Rights appealed to States, if they had not already done so, to enact legislation and to take measures aimed at exemption from military service on the basis of a genuinely held conscientious objection to armed service. Further, it reminded States with a system of compulsory military service, where such provision had not already been made, of its recommendation that they introduce for conscientious objectors various forms of alternative service compatible with the reasons for conscientious objection and that they refrain from subjecting conscientious objectors to imprisonment. The Commission also emphasized that such forms of alternative service should be of a non-combatant or civilian character, in the public interest and not of a punitive nature. In addition, the Commission appealed to Member States that did not have such a system to establish, within the framework of their national legal system, independent and impartial decision-making bodies with the task of determining whether a conscientious objection was valid in a specific case.

2. In the same resolution, the Commission requested the Secretary-General to submit to the Commission at its fifty-third session an update of the information provided in the annexes to the report by Mr. Asbjørn Eide and Mr. Chama Mubanga-Chipoya, entitled Conscientious Objection to Military Service (United Nations publication, Sales No. E.85.XIV.1), taking into account information from Governments and non-governmental organizations and any further information available to him. In accordance with this request, the Secretary-General invited all States, by a note verbale dated 21 November 1995, to forward to him any comments or information that they might have on the above-mentioned issues. By 15 December 1996, replies had been received from the Governments of Angola, Argentina, Colombia, Germany, Jordan, Lithuania, Malta, Mexico, Nepal, the Netherlands, Nigeria, Peru, Romania, Slovakia, South Africa, Swaziland, Sweden, Zambia and Zimbabwe. In addition, the Governments of Austria, Denmark, France, Lithuania and Ukraine sent information relating to the annexes of the report referred to above.

3. Requests for comments and information were also sent, on the same date, to the relevant non-governmental organizations. As of 15 December 1996, information had been received from Amnesty International, the Friends World Committee for Consultation (Quakers) (information compiled by itself, the European Council of Conscripts Organizations and the National Interreligious Service Board for Conscientious Objectors), Service Peace and Justice in Latin America, War Resisters International and the World Council of Churches.

4. With the end in view of updating those annexes, information about military service, conscientious objection and/or alternative service submitted by States parties to the International Covenant on Civil and Political Rights to the Human Rights Committee was also studied. However, only a few pertinent references were found.

5. The present report summarizes the comments and information received and updates the annexes to the above-mentioned report.

I. SUMMARY OF INFORMATION RECEIVED

A. Existence of conscription

6. Conscription exists in the following States, the Governments of which sent replies: Angola, Colombia, Germany, Mexico, Peru, Romania, Slovakia and Sweden.

7. In some of those States efforts have been undertaken or are under way to establish regulatory guidelines for military conscription and legal protection of young persons liable for conscription.

8. In Argentina, by Decree No. 1537, dated 29 August 1994, the President of the Republic made military service voluntary. Subsequently, by Act No. 24,429, adopted on 14 December 1994 and promulgated on 5 January 1995, the National Congress regulated voluntary military service. However, the Congress reserved the right to conscript 18-year-olds for a period of service of up to one year. Such conscription may be ordered when, for specified reasons, an inadequate number of volunteers present themselves for military service.

9. In Colombia, in accordance with article 216 of the 1991 Political Constitution, all Colombians are obliged to take up arms when the public need so requires for the defence of the nation's independence and public institutions. In the light of this provision of the Constitution, the Congress of Colombia adopted Act No. 48 of 3 March 1993, which regulates recruitment and mobilization. Article 3 of that Act reiterates the constitutional provision providing for compulsory military service.

10. The Constitution of the Republic of Lithuania, adopted on 25 October 1992, provides that "citizens of the Republic of Lithuania are obliged to serve in the national defence service or to perform alternative service in the manner established by law". The conditions and order of conscription are defined in the Temporary Act on National Defence Service of 17 July 1990, adopted by the Supreme Council of the Republic of Lithuania, and the Law on Alternative (Labour) Service of 16 October 1990. The Temporary Act on the National Defence Service provides that the National Defence Service shall consist of an active military service and a military reserve service. The National Defence Services are formed in accordance with the principles of conscription, voluntariness and employment agreements.

11. Article 5 of the Constitution of the United Mexican States stipulates that "only the following public services may be obligatory, subject to the conditions set forth in the respective laws: military service, ...". From the foregoing it is apparent that military service is established as a public service, which is obligatory subject to the conditions laid down in the respective laws, which in this case are the Military Service Act and the regulations relating thereto. In compliance with article 31 of the Constitution, all Mexican citizens of military age are required to be present at the time, date and place stated by the respective authorities in order to receive physical and military training and thereby fulfil their civic obligation.

12. In Peru, articles 163 and 173 of the Political Constitution of the State stipulate that military service is of an obligatory character. The Compulsory Military Service Act and amendments thereto establish that any person over the age of 18 years must enrol in the Military Register, and may, following a thorough medical examination, then be classified as "selected", "not selected" or "exempt". Citizens in the "selected" category whose names are drawn by lot may then be asked to remain on call.

13. The Constitution of Romania, in article 52.2, provides that "military service is compulsory for all Romanian male citizens aged 20, except in cases provided for by the law".

14. In Sweden, the Total Defence Duties Act (1994: 1809) concerning the compulsory duty to serve in the defence of the country entered into force on 1 July 1995. The obligation to serve is called total defence duty; it applies to every Swedish citizen from the commencement of the calendar year in which he or she attains the age of 16.

15. The Governments of Jordan, Malta, Nepal, Nigeria, South Africa, Swaziland, Zambia and Zimbabwe stated that there was neither compulsory military service nor conscription in their countries, which had established voluntary military service. According to the South African reply, although conscription no longer exists in practice in this country, the Defence Act still has to be amended to that effect.

B. Liability for service

16. In Colombia, in accordance with article 10 of Act No. 48/93, every Colombian male is required to define his military status as of the date of his majority - that is, at the age of 18 - with the exception of students preparing for the baccalaureate, who are to define that status as soon as they receive their diploma. The military duty of Colombians ends on the day on which they reach 50 years of age.

17. Paragraph 4 of the General Provisions of the Temporary Act on the National Defence Service in Lithuania provides that every male citizen of Lithuania aged 19 and eligible for service in terms of health may be liable to active military service. Those who wish may serve in the army from the age of 18. Persons can be conscripted to active military service up to the age of 27. Paragraph 7 of the Act stipulates that female citizens of Lithuania aged 19 to 45 who have special education may be enrolled on the active list with their consent and serve in auxiliary or special services. Persons who have graduated from higher educational institutions and completed a course in military education may be released from military service. Persons who have been convicted to more than three years of imprisonment cannot be called for active military service.

18. In South Africa, all references to the exclusive liability for military service of white males are no longer applicable.

19. All Swedish citizens between the ages of 16 and 70 are liable for total defence duty. A corresponding obligation applies to aliens residing in Sweden. Service is undertaken as compulsory military service, compulsory

civilian service or compulsory national service. The latter imposes a duty to serve only during times of alert. The Total Defence Duties Act provides that every Swedish man is liable to attend military inspection and complete compulsory military service or compulsory civilian service with long basic training. Weapon-free service is no longer regulated as an alternative to compulsory military service but as one or several alternative forms of service within the framework of the total defence duty. Women may voluntarily take an examination for enlistment in compulsory military service or in compulsory civilian service with long basic training.

C. Length of service

20. In Colombia, in accordance with article 11 of Act No. 48/93, the duration of compulsory military service is 12 to 24 months, as determined by the Government. Article 13 of the Act defines four basic modalities for the performance of compulsory military service, according to which regular army soldiers perform from 18 to 24 months of service; holders of the baccalaureate 12 months; baccalaureate police assistants 12 months; and peasant-soldiers 12 to 18 months.

21. Article 15 of the Temporary Act on the National Defence Service in Lithuania, establishes the length of service in the active military forces as 12 months. The length of service upon agreement has to be established by the agreement of the parties. Citizens who have graduated from higher educational institutions but have not completed a course of military education serve in the army for six months. The length of the alternative (labour) service is 24 months. The length of service for citizens who have graduated from higher schools is 12 months.

22. Under articles 14 and 15 of the Military Service Act of Mexico, the ways in which national military service is performed by Mexicans of military age are as follows:

(a) Enlistment in the National Military Service companies. These companies are made up exclusively of volunteers. To perform this form of military service a written application is required from the person concerned. His training activities are distributed in the following manner: military training, 60 per cent; social work, 10 per cent; and recreation, 30 per cent. These activities are undertaken over periods of three months.

(b) Enlistment in training centres. Personnel who, by ballot, are required to perform their military service on this basis do so from April to September in training centres and are enlisted in Mexican army, marine or navy units; they attend a total of 136 hours of sessions on Saturdays. Most activities involve social work, civic questions and military ceremonial.

(c) On call. For a period of eight months, these persons remain in contact with a Mexican consulate abroad or their local military regions or zones. They simply remain on call.

D. Recognition of conscientious objection

23. The concept of conscientious objection has been recognized by the majority of the States which sent replies. As a result of such recognition, alternative social service has been or is being introduced in a number of States as an alternative to armed service for conscientious objectors. This development can be considered to be in conformity with relevant resolutions of the Commission on Human Rights.

24. In Argentina, during military conscription those persons (conscientious objectors) who, from "profound religious, philosophical or moral convictions", are unable to perform obligatory military service are required to perform alternative social service in such areas as public health and the environment. The law further states that in time of war, alternative social service will consist of activities related to civil protection and defence.

25. Article 28 of Act No. 48/93 of Colombia contains a list of the grounds for exemption from compulsory military service during peacetime. Conscientious objection to compulsory military service is not among them. Furthermore, the highest court in Colombia competent to oversee human rights, the Constitutional Court, made, in Decision No. T 409 of 8 June 1992, the following statement with regard to conscientious objection:

> "The obligation to perform military service is based on the premise that collective interest prevails over individual interest, and if, furthermore, by requiring such service the State cannot disregard the equality of all persons before the law, the dictates of which must be objective and impartial, then it is clear that for conscientious objection to be invoked, it must be specifically institutionalized in the national legislation concerned. Military service in itself - that is, as a generically considered activity - has no connotations that might affect the scope of individual conscience, and the service may therefore be performed by carrying out various functions chosen from among those required for the maintenance and continuity of the armed forces."

26. Pursuant to the basic right contained in article 4, paragraph 3 of the Basic Law of the Federal Republic of Germany, no one may be compelled against his or her conscience to render war service. "War service" in this sense includes all activities which have a direct bearing on the use of weapons of war. In practice in the Federal Republic of Germany, the right to refuse to render war service is broadly interpreted and permits reasons of religion, morals and philosophy to be invoked. Refusal to render military service is conditional on a corresponding decision based on conscience on the part of the individual. Entitlement to refuse to render military service is decided on in a procedure which is laid down in statutes.

27. The laws of the Republic of Lithuania do not define the status of persons who cannot serve in the active military forces because of conscientious objection. Only the Law on Alternative (Labour) Service provides for the possibility for such persons to perform alternative (labour) service. There is no detailed list of convictions on the grounds of which a person might be released from active service because of conscientious

objection. In each concrete case the Recruitment Commission, upon the receipt of a person's application to perform alternative (labour) service, has to review it and give an answer to the person within 20 days. The applicant, upon receipt of a decision of the Commission which does not satisfy him, may appeal against it to the local court.

28. Voluntary military service performed in Mexico focuses mainly on services and activities under the heading of social work for the benefit of the neediest communities.

29. The Ministry of National Defence of Romania has prepared a draft law entitled "Population preparedness for defence". This draft stipulates that "citizens who, on the ground of religious beliefs, refuse to perform combatant military service, shall perform alternative military service. The form in which alternative military service shall be performed is to be adopted by Governmental decision". The draft law has already been adopted by the Romanian Senate and is currently under debate in the Defence Commission of the Chamber of Deputies. The Ministry of National Defence is at present implementing an administrative decision of its own, establishing a temporary framework covering the issue of "Conscientious objection to military service". In accordance with this decision "Romanian citizens who, on the grounds of religious beliefs, refuse to perform combatant military service are to be registered and shall be called to perform alternative military service after the entering into force of the Law on Population Preparedness for Defence".

30. In Slovakia, citizens may refuse the exercise of basic military service in accordance with the Act on Civil Service No. 207/1995, and they may perform civil service by undertaking activities for a period twice as long as the basic military service, which, in accordance with Directive No. 115/1993, of the Government of the Slovak Republic of 27 April 1993, lasts 12 months.

31. There is no compulsory military service in Zimbabwe. However, should the need arise for such military service, the Government will ensure that the National Service Act of 1979 and relevant measures are implemented with respect to exemption from military service on the basis of a genuinely held conscientious objection to armed service. The National Service Act provides, in section 24, for exemption from military service on the grounds that a person is a conscientious objector to military service. A person is entitled to apply to the Exception Board for exemption from military service if "his bona fide religious beliefs inhibit his rendering National Service".

32. Service, Peace and Justice in Latin America (SERPAJ) pointed out that it had contributed to the agreement reached at the forty-third session of the Commission on Human Rights, in 1987, that conscientious objection derives directly from respect for human rights. Through its work, SERPAJ has realized that young people believe that conscientious objection is a question of freedom and consider it a corollary of democracy.

33. Amnesty International regards a conscientious objector imprisoned for refusing to perform military service as a prisoner of conscience.

E. Known cases of conscientious objection

34. The Government of Colombia pointed out that the Office of the Ombudsman was aware of four official cases of conscientious objection to compulsory military service. In those cases the four parties concerned, with the assistance of the Office of the Ombudsman, had filed an application for the protection of fundamental rights. The results were not favourable for the objectors, as the presiding judges did not allow the objection.

35. In 1995, 160,569 German conscripts filed an application for refusal to render war service. Roughly 90 per cent of the applications were recognized. In that year, some 130,080 persons had performed substitute service.

36. The Government of the Netherlands provided the following numbers for eligible conscripts, applicants for conscientious objector status and recognized applications over the period 1987-1994:

	1987	1988	1989	1990	1991	1992	1993	1994
Eligible conscripts	110 856	118 566	115 980	110 404	95 415	87 972	86 362	66 631
Applicants for conscientious objector status	2 936	2 705	2 899	4 050	4 291	4 226	4 129	3 944
Recognized applications	2 184	2 083	1 987	1 957	1 898	1 598	1 526	1 376

However, as the Friends World Committee for Consultation reported, conscription has been abolished in the Netherlands.

37. In Slovakia, since the Act on Civil Service No. 73/1990 of the Code was adopted, basic military service has been refused in legal ways by 29,384 citizens. Declarations of refusal of basic military service were gradually revoked by 25,063 citizens. During the period of 1993-1995 a total of 15,188 declarations of refusal to exercise basic military service were submitted: 1,114 in 1993; 5,739 in 1994; and 8,335 in 1995. All the citizens concerned based their refusal to perform the basic military service on conscience and religious belief.

F. Alternative and development service

38. The Government of Colombia stated that there was no alternative service in Colombia, since conscientious objection was not allowed. Nevertheless, without directly invoking the objection, it is possible for an "objector" to perform his military service without the use of arms and without taking part in combat or hostilities. The modalities of such service are as follows:

Auxiliary service in the National Police, established by Act No. 2 of 1977;

> Auxiliary service for holders of the baccalaureate at the Instituto Nacional Penitenciario, as provided for in article 50 of Act No. 65 of 1993; and
>
> Environmental service for the environmental authorities performed by holders of the baccalaureate under article 102 of Act No. 99 of 1993.

39. In Germany, anyone whose entitlement to refuse to perform military service is recognized must render substitute service. Article 12, paragraph 2 of the Basic Law provides:

> "A person who refuses, on grounds of conscience, to render war service involving the use of arms may be required to render a substitute service. The duration of such substitute service shall not exceed the duration of military service. Details shall be regulated by a statute which shall not interfere with the freedom to take a decision based on conscience and shall also provide for the possibility of a substitute service not connected with units of the Armed Forces or of the Federal Border Guard."

Section 1 of the Act on Refusal on Grounds of Conscience to Render War Service involving the Use of Arms of 28 February 1983 provides as follows:

> "Anyone who on grounds of conscience refuses to participate in any use of violence between States and for this reason, calling upon article 4, paragraph 3, first sentence of the Basic Law, refuses to render war service involving the use of arms, instead of military service shall render substitute service not connected with the Armed Forces under article 12, paragraph 2 of the Basic Law."

The version of section 1 of the same Act which was published on 30 June 1986 provides that in "substitute service, persons recognized as entitled to refuse to render war service shall carry out duties which serve the general good, with priority being given to the social area". Instead of substitute service, persons recognized as entitled to refuse to perform war service may also perform service as civil defence or disaster prevention auxiliaries or in the development services or in a service abroad intended to further the peaceful coexistence of the peoples.

40. Article 12 of chapter II of the Law on Alternative (Labour) Service of Lithuania provides that alternative (labour) service is carried out on the sites and objects indicated by the Government. Citizens may perform alternative (labour) service under conditions established in agreements drawn up by the Department of Defence. These agreements shall be concluded with municipalities, enterprises, offices and organizations. The Temporary Act on Military Service provides that alternative (labour) service shall be carried out in State labour detachments and in humanitarian and public services. Citizens performing alternative (labour) service receive 85 per cent of their pay, but no less than the State-established minimum for subsistence (art. 27).

G. Possible penalties for refusal to perform military service

41. Unwillingness to perform compulsory military service in Colombia may lead to the unwilling recruit being tried for disobedience and possibly being sentenced to a prison term of from one to three years. If an individual simply fails or ignores his obligation to define his military status and lets time pass, he may be fined when he does define it, even if he is not recruited. If he fails to appear before the recruitment authorities to define his military status, he runs the risk of being recruited by force if he is discovered and cannot submit documents proving that he has defined his military status or that he is covered by one of the reasons for exemption. There is one known case in which an "objector" deserted after joining the service and was sentenced for desertion.

42. Article 79 of the Penal Code of the Republic of Lithuania stipulates that evasion of the regular draft or alternative (labour) service may be punishable by imprisonment for up to two years. If a conscript deliberately injures himself, simulates illness, forges documents or avoids performing his duty in any other way, he may be committed for from one to five years of imprisonment. According to article 80, evasion of mobilization to the National Defence Service may be punishable by imprisonment for from two to five years.

43. Current Mexican legislation does not establish penalties for conscientious objectors, since conscientious objection does not constitute an offence. Nevertheless, other grounds for total or partial exemption are provided for, notably incapacity of a physical, moral and social nature, together with proof of such incapacity, in article 10 of the Military Service Act and chapter V of the regulations relating thereto.

44. In South Africa, there is a moratorium on prosecution for not reporting for military service. Therefore, all references to prosecutions, sentences and detention for failing to report for military service (except in cases of absence without leave and desertion) are no longer applicable.

H. Dissemination of information on conscientious objection

45. Conscientious objection is regulated by relevant legislation. Public awareness of that legislation is to be considered as an important factor.

46. In Austria, conscripts are informed about the possibility of submitting a civilian service statement. Further, a special information office for civilian service matters has been installed at the Federal Ministry of the Interior and several private organizations also make information available about the civilian service.

47. In Colombia, since conscientious objection is not allowed, the Government does not disseminate information on the subject. Nevertheless, the Office of the Ombudsman does plead cases of conscientious objection and, if necessary, provides information and advice to those who request it; it has also encouraged information meetings and debates on the matter.

II. CONCLUSIONS AND RECOMMENDATIONS

48. A number of Governments considered that the Commission on Human Rights had introduced the concept of conscientious objection to military service, and reported that they had recognized the right to conscientious objection in their legislation and practice. Some States have agreed to introduce and are enacting laws providing for forms of alternative service which are compatible with the reasons for conscientious objection, such forms of alternative service being in principle of a non-combatant or civilian nature, in the public interest and of a non-punitive nature.

49. These States have confirmed thus that the right to refuse military service for reasons of conscience is inherent in the concept of freedom of thought, conscience and religion as laid down in article 18 of the Universal Declaration of Human Rights. This freedom is also set forth in the International Covenant on Civil and Political Rights (art. 18). The approach they have taken is in full conformity with General Comment No. 22 adopted by the Human Rights Committee at its forty-eighth session on article 18 of that Covenant, in which the Committee inter alia expressed the view that a right to conscientious objection could be derived from article 18 and that, when that right was recognized by law or practice, there should be no differentiation among conscientious objectors on the basis of the nature of their particular beliefs; likewise, there should be no discrimination against conscientious objectors because they had failed to perform military service.

50. In other countries, only limited grounds for refusal, such as religious motives, are deemed acceptable, and those who object on other grounds may be imprisoned. One Government reported that it did not recognize conscientious objection, which "may lead to an unwilling recruit being tried for disobedience and possibly being sentenced to a prison term". In this connection, it may be pointed out that the Commission on Human Rights in its resolution 1995/83 appealed to States, if they had not already done so, to enact legislation and to take measures aimed at exemption from military service on the basis of a genuinely held conscientious objection to armed service; it also urged States in their law and practice not to differentiate between conscientious objectors on the basis of the nature of their particular beliefs nor to discriminate against recognized conscientious objectors for failure to perform military service.

51. Some further conclusions may be drawn on the basis of the information received from Governments and non-governmental organizations, a summary of which is given in the annexes to this report.

52. There is a tendency towards the abolition of conscription. There are only 69 States or territories in which there is no conscription, in comparison with 67 such States and territories listed in Mr. Eide's and Mubanga-Chipoya's report. However, there are now 13 States in which selective conscription exists but military service is voluntary in principle.

53. The number of States in which provision is made for civilian and/or unarmed military service has increased from 15 to 24. At the same time, the number of countries in which there is conscription without alternative service

has increased from 40 to 47. This can be explained by the fact that the relevant legislation of a greater number of States was reviewed in the present report than in the previous one.

54. Two States have conscription in law, but do not enforce it. Information was also received that legislation has been elaborated and submitted for adoption in a number of States in which conscription exists in order to provide for recognition of conscientious objection.

Annex I

SUMMARY OF AVAILABLE INFORMATION ON CONSCRIPTION, CONSCIENTIOUS OBJECTION TO MILITARY SERVICE, AND ALTERNATIVE SERVICE

A. General observations

1. This annex constitutes an update of the information provided in the annexes to the report by Mr. Asbjørn Eide and Mr. Chama Mubanga-Chipoya (United Nations publication, Sales No. E.85.XIV.1). New information collected since the issue of that report has been taken into account and, when necessary, previous data have been modified accordingly. However, as in the case of that report, this annex should not be considered as containing exhaustive information on the global situation regarding conscription, conscientious objection to military service, and alternative service. It is rather intended to provide an updated illustration of the recent reports (see para. 3 below), based on data collected from available governmental and non-governmental sources.

2. The information summarized in this annex concerns the following questions, for which data are available in various countries:

(a) Existence of conscription;

(b) Liability for service;

(c) Length of service;

(d) Recognition of conscientious objection: recognition; grounds recognized as valid; timing of the claim;

(e) Known cases of conscientious objection;

(f) Alternative and development services;

(g) Possible penalties for refusal to perform military service;

(h) Dissemination of information on the possibility of obtaining conscientious objector status.

3. The following sources were used in the summary:

Replies from Governments

"The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service", reports of the Secretary-General containing replies from Governments on the question (E/CN.4/1995/99 and Add.1, E/CN.4/1993/68 and Add.1-3) and relevant information sent by Governments mentioned in the introduction.

Relevant recent information submitted to the Human Rights Committee by States parties to the International Covenant on Civil and Political Rights.

Non-governmental organizations

Amnesty International (AI)

European Council of Conscripts Organizations (ECCO)

Friends World Committee for Consultation (FWCC)

International Helsinki Federation for Human Rights (IHFHR)

National Interreligious Service Board for Conscientious Objectors (NISBCO)

Service, Peace and Justice in Latin America (SERPAJ)

War Resisters International (WRI)

World Council of Churches (WCC)

B. Summary of available data 1/

1. Existence of Conscription

Afghanistan: In view of the present conflict it is difficult to assess whether there is a coherent policy of conscription superseding policy of the previous regime under which conscription existed (AI).

Albania: Conscription exists (AI and WRI).

Algeria: Conscription exists (FWCC).

Angola: Conscription exists.

Antigua and Barbuda: No conscription.

Argentina: Military service is voluntary. Law No.24.429, promulgated on 5 January 1995, establishes a voluntary military service yet reserves for the Congress the right to conscript 18-year-olds for a period of service not exceeding one year. Such conscription may be ordered, when for specified reasons, an inadequate number of volunteers present themselves for military service.

Armenia: Conscription exists (FWCC).

Australia: No conscription (FWCC).

1/ The acronyms appearing in section B relate to the sources of information listed in paragraph 3. Where no acronyms are used, the information was provided by the Government concerned.

Austria: Conscription exists.

Azerbaijan: Conscription exists (FWCC).

Bahamas: No conscription (AI).

Bahrain: No conscription.

Bangladesh: No conscription (AI).

Barbados: No conscription (FWCC).

Belarus: Conscription exists.

Belgium: Conscription was abolished as of 1 January 1994 under the so-called Delacroix Bill of 6 July 1993 (WRI).

Belize: Military service is voluntary (NISBCO).

Benin: Selective conscription (FWCC).

Bhutan: Selective conscription (FWCC).

Bolivia: Conscription exists (AI and NISBCO).

Bosnia and Herzegovina: Conscription exists (WRI).

Botswana: No conscription (FWCC).

Brazil: Conscription exists.

Brunei Darussalam: No conscription (FWCC).

Bulgaria: Conscription exists (WRI).

Burkina Faso: No military conscription (AI).

Burundi: No conscription (FWCC).

Cambodia: Conscription exists (FWCC).

Cameroon: No conscription.

Canada: No conscription (AI).

Cape Verde: Conscription exists (AI).

Central African Republic: Selective conscription (FWCC).

Chad: Selective conscription.

Chile: Conscription exists (AI and NISBCO).

China: Selective conscription (FWCC).

Colombia: Conscription exists.

Congo: No conscription (FWCC).

Costa Rica: No conscription.

Côte d'Ivoire: Selective conscription (FWCC).

Croatia: Conscription exists.

Cuba: Conscription exists (AI and NISBCO).

Cyprus: Conscription exists (AI).

Czech Republic: Conscription exists.

Democratic People's Republic of Korea: Conscription exists (AI).

Denmark: Conscription exists.

Djibouti: No conscription (AI).

Dominican Republic: Conscription exists (NISBCO).

Ecuador: Conscription exists.

Egypt: Conscription exists.

El Salvador: The Salvadoran Constitution and the law on military service establish obligatory military service. In practice, since the end of the armed conflict in January 1992, military service has been performed on a voluntary basis. The law on military service is currently undergoing revision (NISBCO).

Equatorial Guinea: Conscription exists (FWCC).

Estonia: Conscription exists (ECCO).

Ethiopia: Conscription exists. Compulsory military service is provided for by Proclamation No. 238 of 1983 (AI).

Federal Republic of Germany: Conscription exists.

Fiji: No conscription (FWCC).

Finland: Conscription exists.

France: Conscription exists.

Gabon: No conscription (FWCC).

Gambia: No conscription (FWCC).

Georgia: Conscription exists (FWCC).

Ghana: No conscription (FWCC).

Greece: Conscription exists (AI).

Grenada: Conscription does not exist, as there is no military service (NISBCO).

Guatemala: Conscription exists. The Global Human Rights Accord signed in March 1994 by representatives of the Government, the URNG guerillas, and the United Nations stipulated that a new law on military service would be enacted in order to end the practice of forced recruitment (NISBCO).

Guinea: Conscription exists (FWCC).

Guinea-Bissau: Conscription exists (AI).

Guyana: No conscription (NISBCO).

Haiti: No conscription (NISBCO).

Honduras: Decree No. 24-94 was passed in May 1994 establishing a voluntary military service during peacetime. The amendment reserves for the Congress the right to conscript (NISBCO).

Hong Kong: No conscription (AI).

Hungary: Conscription exists (AI and WRI).

Iceland: No conscription (AI).

India: No conscription (AI).

Indonesia: Selective conscription (FWCC).

Iran (Islamic Republic of): Conscription exists (AI).

Iraq: Conscription exists (AI).

Ireland: No conscription.

Israel: Conscription exists (AI).

Italy: Conscription exists (WRI).

Jamaica: No conscription (NISBCO).

Japan: No conscription (AI).

Jordan: Jordanian Conscript Service was suspended indefinitely in 1992 and all members of the armed forces are regular volunteers.

Kazakstan: Conscription exists

Kenya: No conscription (AI).

Kuwait: Conscription exists (AI).

Kyrgyzstan: No conscription (FWCC).

Lao People's Democratic Republic: Conscription exists (AI).

Latvia: Conscription exists (ECCO).

Lebanon: Conscription exists (FWCC).

Lesotho: No conscription (FWCC).

Libyan Arab Jamahiriya: Conscription exists (AI).

Liechtenstein: No conscription (AI).

Lithuania: Conscription exists.

Luxembourg: No conscription (AI).

Madagascar: Conscription exists (FWCC).

Malawi: No conscription (FWCC).

Malaysia: No conscription (AI).

Maldives: No conscription (AI).

Mali: Selective conscription exists (FWCC).

Malta: No conscription.

Mauritania: No conscription (FWCC).

Mauritius: No system of military service.

Mexico: Conscription exists.

Moldova: Conscription exists (WCC).

Monaco: No conscription (FWCC).

Mongolia: Conscription exists (FWCC).

Morocco: Conscription exists (FWCC).

Mozambique: Conscription exists (AI).

Myanmar: No conscription (FWCC).

Namibia: Conscription exists in law (AI).

Nepal: No conscription.

Netherlands: No conscription (FWCC).

New Zealand: No conscription (AI).

Nicaragua: No conscription (NISBCO).

Niger: Selective conscription (FWCC).

Nigeria: No conscription.

Norway: Conscription exists.

Oman: No conscription.

Pakistan: No conscription (AI).

Panama: Conscription exists.

Papua New Guinea: No conscription (FWCC).

Paraguay: Conscription exists.

Peru: Conscription exists.

Philippines: Conscription exists (FWCC).

Poland: Conscription exists (WRI).

Portugal: Conscription exists.

Qatar: No conscription.

Republic of Korea: Conscription exists (AI).

Romania: Conscription exists.

Russian Federation: Conscription exists (AI).

Rwanda: No conscription (FWCC).

San Marino: Military service does not exist.

Saudi Arabia: There is no conscription.

Senegal: Selective conscription.

Seychelles: Conscription exists (FWCC).

Sierra Leone: There is no conscription (FWCC).

Singapore: Conscription exists (AI).

Slovakia: Conscription exists.

Slovenia: Conscription exists.

Somalia: Conscription exists (AI).

South Africa: No conscription.

Spain: Conscription exists.

Sri Lanka: No conscription (AI).

Sudan: Conscription exists (AI).

Suriname: No conscription (FWCC)

Swaziland: No conscription.

Sweden: Conscription exists.

Switzerland: Conscription exists (WRI).

Syrian Arab Republic: Conscription exists (AI).

Thailand: Conscription exists (FWCC).

The Former Yugoslav Republic of Macedonia: Conscription exists (WRI).

Togo: Selective conscription (FWCC).

Tonga: No conscription (FWCC).

Trinidad and Tobago: No conscription (FWCC).

Tunisia: Conscription exists.

Turkey: Conscription exists (WRI).

Turkmenistan: Conscription exists (FWCC).

Uganda: No conscription.

Ukraine: Conscription exists.

United Arab Emirates: No conscription (AI).

United Kingdom of Great Britain and Northern Ireland: No conscription (WRI).

United Republic of Tanzania: Conscription exists (FWCC).

United States of America: No conscription.

Uruguay: No conscription (NISBCO).

Uzbekistan: Conscription exists (FWCC).

Vanuatu: No conscription (FWCC).

Venezuela: Conscription exists (NISBCO).

Viet Nam: Conscription exists (AI).

Yemen: Conscription exists (AI).

Yugoslavia: Conscription exists.

Zaire: Conscription exists (FWCC).

Zambia: No conscription.

Zimbabwe: No conscription.

2. Liability for service

Afghanistan: Men above the age of 18 (AI).

Albania: Men above the age of 18 (AI).

Algeria: Men above the age of 19 (FWCC).

Angola: All men from 18 to 50 and women with "special qualifications of interest to the Armed Forces" are liable for military service (Law No. 12/82), but those over 30 serve only in the Reserve Force. (There are reports, however, of children as young as 16 being forced into conscription) (AI).

Argentina: Volunteers over 19 years of age (FWCC).

Australia: Volunteers over 16 years of age (FWCC).

Austria: Men aged between 18 and 35 (AI).

Bahrain: Volunteers over 18 years of age (FWCC).

Bangladesh: Volunteers over 17 years of age (FWCC).

Belgium: Volunteers over 18 years of age (FWCC).

Bhutan: Men above the age of 18 and volunteers above the age of 16.

Bolivia: Men between the ages of 19 and 21 (AI).

Bosnia and Herzegovina: All men aged 18 to 55. Women aged 18 to 27 can volunteer provided they are not pregnant and do not have a child under 7 years of age (WRI).

Brazil: All nationals who are 19 years old.

Bulgaria: All men between the ages of 18 and 30 (WRI).

Burundi: Volunteers over 16 years of age (FWCC).

Cambodia: Men over 18 years of age (FWCC).

Canada: Volunteers over 16 years of age (FWCC).

Cape Verde: Currently all men, although the law may change under the new Government (AI).

Chad: Military service is performed in Chad only by the students of the National College of Administration and of the National College of Physical Education and Sports, upon completion of their training.

Chile: Everyone must register at the age of 18 and may be called up between the ages of 19 and 30 (Decree Law 2306, Recruitment Law, arts. 19 and 28) (AI).

China: Men aged 18 to 22 may be drafted into the army; men aged 18 to 35 may be drafted into the militia, or into the army during wartime. Although all male citizens aged 18 must register for military service, it is unclear whether all those registered are actually called for military training (AI).

Colombia: All males between the ages of 18 and 50.

Congo: Volunteers over 18 years of age (FWCC).

Côte d'Ivoire: Men over 21 years of age (FWCC).

Croatia: All men aged between 16 and 60. In some circumstances women are also liable for call-up for certain duties (WRI).

Cuba: Believed to be men over the age of 16 and under 50 (AI).

Cyprus: All men between 18 and 50, except religious ministers, monks and deacons of officially recognized religions (AI and WRI).

Czech Republic: All men between the ages of 19 and 28. All men are called up after finishing (high) school (WRI).

Denmark: Men over the age of 18, the reserve obligation being until the age of 50 (AI and WRI).

Dominican Republic: All men at the age of 18 (FWCC).

Ecuador: All men at the age of 19 (FWCC).

Egypt: Men aged between 18 and 30 (AI).

El Salvador: Unmarried men between the ages of 18 and 20 who are members of poorer socio-economic groups (AI).

Equatorial Guinea: Men at the age of 18 (FWCC).

Estonia: All young men above the age of 18 are liable for compulsory military service. Every young man over the age of 17 can start the compulsory military service as a volunteer. In such case, the law gives him the possibility of choosing the place where he wants to serve. From the ages of 18 to 27, every young man has to perform active service (ECCO).

Ethiopia: Men between the ages of 18 and 30, although there are reports of juveniles as young as 12 being conscripted. There is an obligation to perform reserve duties from the age of 30 to the age of 50, and since June 1990 retired members of the armed services are called up also (AI).

Federal Republic of Germany: Men aged between 18 and 28, though the obligation itself lasts until the age of 45 (WRI).

Finland: Men between the ages of 20 and 30 and, in exceptional circumstances, also men between the ages of 17 and 60 (WRI).

France: Men aged between 18 and 29.

Greece: All men between the ages of 18 and 40 (WRI).

Guatemala: Men between the ages of 18 and 30. Heads of families and middle-class students are usually exempt (AI).

Guinea Bissau: 18-year-old males (AI).

Haiti: Believed to be all men over 18 (AI).

Honduras: Men between the ages of 18 and 30 (AI) and volunteers at the age of 17 (FWCC).

Hungary: All men between the ages of 17 and 50. Conscripts are called up at the age of 18 (WRI).

Indonesia: Volunteers at the age of 17 (FWCC).

Iran (Islamic Republic of): All men over 18 (AI).

Iraq: Men at the age of 19 and volunteers at the age of 18 (FWCC).

Ireland: Volunteers above the age of 17.

Israel: Men and women over 18, although non-Druze Israeli Arabs and Druze women are exempt. Male religious scholars may be granted postponement (AI).

Italy: Men aged between 18 and 45 (AI).

Japan: Volunteers over the age of 18 (FWCC).

Jordan: Men over 18 (AI).

Kuwait: Men at the age of 18 (FWCC).

Lao People's Democratic Republic: Males over 15; upper limits unknown (FWCC).

Latvia: All men between the ages of 19 and 50. The military service itself is performed between the ages of 18 and 25 (ECCO).

Libyan Arab Jamahiriya: Men and women between the ages of 18 and 35 (AI).

Lithuania: Every male citizen between the ages of 19 and 27. Those who wish may serve from the age of 18.

Luxembourg: Volunteers over 17 years of age (FWCC).

Malawi: Volunteers over 17 years of age (FWCC).

Mauritania: Volunteers over 16 years of age (FWCC).

Mauritius: There is no system of military service.

Mexico: Men from the ages of 18 to 40 (AI).

Monaco: Volunteers over 19 years of age (FWCC).

Mongolia: Men at the age of 18 (FWCC).

Morocco: Men at the age of 18 (FWCC).

Mozambique: Men aged 18 to 30, under Law No. 4/78 (Lei do Servico Militár Obrigatorio) and Decree No. 3/86 (Regulamento Basico do Militár nas Forces Armadas de Mocambique) (AI).

Myanmar: Volunteers over 18 years of age (FWCC).

Namibia: Men at the age of 16 (FWCC).

Netherlands: Volunteers over 16 years of age (FWCC).

New Zealand: Volunteers over 16 years of age (FWCC).

Nicaragua: Volunteers over 17 years of age (FWCC).

Nigeria: Volunteers over 18 years of age (FWCC).

Norway: All men between the ages of 18 and 44 (AI). Volunteers over 17 years of age (FWCC).

Pakistan: Volunteers over 18 years of age (FWCC).

Paraguay: All men over 18 years of age; women as non-combatants during international war (AI).

Peru: All men over 18 and volunteers over 16 years of age (FWCC).

Philippines: All men over 18 years of age (FWCC).

Poland: All men between the ages of 18 and 28 (WRI).

Portugal: All men between the ages of 18 and 45 (WRI).

Republic of Korea: All men over 18 years of age (FWCC).

Romania: All men between the ages of 20 and 35 (WRI).

Russian Federation: All men over 18 years of age (FWCC).

Rwanda: Volunteers over 18 years of age (FWCC).

San Marino: Military service does not exist.

Senegal: Volunteers over 18 years of age (FWCC).

Singapore: All men over 18 years of age (AI and FWCC).

Slovakia: All men between the ages of 18 and 30 (WRI).

Slovenia: All men aged from 18 to 26.

Somalia: All men aged between 18 and 40; women aged between 18 and 30, although in practice they are not conscripted (AI).

South Africa: Volunteers over 17 years of age (FWCC).

Spain: All men over 19 years of age (WRI).

Sri Lanka: Volunteers over 18 years of age (FWCC).

Suriname: Volunteers over 18 years of age (FWCC).

Sweden: All men aged between 19 and 47 (WRI).

Switzerland: All male citizens are liable to perform regular periods of military service from the age of 20 to the age of 50 (55 for officers). Reserve obligations apply up to the age of 60 (WRI).

Syrian Arab Republic: Men over the age of 19 (FWCC).

Tunisia: Men over the age of 20 and volunteers over 18 years of age (FWCC).

Turkey: All men over 20: in principle until the age of 65; in practice men over 46 years of age are no longer called up (WRI).

Ukraine: All men aged between 18 and 27.

United Kingdom of Great Britain and Northern Ireland: Volunteers over the age of 16 (FWCC).

United Republic of Tanzania: Men over the age of 18 (FWCC).

United States of America: Volunteers over the age of 17 (FWCC).

Uruguay: Volunteers over 18 years of age (FWCC).

Venezuela: Men over the age of 18 (FWCC).

Viet Nam: Men over the age of 18 (FWCC).

Yugoslavia: All men aged between 18 and 27. Thereafter, service conscripts become reservists until the age of 60 (WRI).

Zaire: Men over the age of 18 (FWCC).

3. Length of service

Afghanistan: See remarks in annex 1.

Albania: Two or three years depending on the branch of the armed forces (AI and FWCC); one year according to WCC.

Algeria: Six months (FWCC).

Argentina: From 6 to 14 months (FWCC).

Armenia: Two years (FWCC).

Austria: Eight months.

Azerbaijan: Two years (FWCC).

Belarus: 18 months (FWCC).

Belgium: In 1993 military service was from 8 to 12 months (FWCC).

Bhutan: From one to three months (FWCC).

Bolivia: One year (AI and FWCC).

Bosnia and Herzegovina: There is no set period for military service (WCC).

Brazil: One year (FWCC); 18 months for alternative service.

Bulgaria: 18 months; 12 months for university graduates (WRI).

Cambodia: Three years, extendable by an additional six months (AI).

Cape Verde: Two years (AI).

Chile: Up to two years (Decree Law 2306, art. 35) (AI).

China: From three to four years (FWCC).

Colombia: Article 11 of Act No. 48/93 provides that the duration of compulsory military service is from 12 to 24 months. For details see paragraph 20 of the present report.

Croatia: From 10 to 15 months (WRI). The period of civilian service is 15 months (E/CN.4/1993/68, Croatia).

Cuba: Three years (AI and FWCC).

Cyprus: 26 months (WRI).

Czech Republic: 12 months of compulsory military service; 18 months of alternative service (WRI).

Denmark: From 3 days to 14 months.

Ecuador: One year (FWCC).

Egypt: Three years (FWCC).

El Salvador: See remarks in annex 1.

Estonia: From 9 to 12 months (WCC).

Ethiopia: From 12 to 18 months (FWCC).

Federal Republic of Germany: 12 months (WRI).

Finland: From 8 to 11 months (WRI).

France: 10 months with the Police nationale or with the Sécurité civile; 16 months with the Service de l'aide technique et de la coopération; 20 months with the Service des objecteurs de conscience).

Georgia: Two years (FWCC).

Greece: 21 months in the army, 23 months in the air force and 25 months in the navy (WRI).

Guatemala: 30 months (FWCC).

Guinea: Two years (FWCC).

Honduras: Two years (FWCC).

Hungary: One year (WRI).

Indonesia: Two years (FWCC).

Iran, (Islamic Republic of): Two years (and reserve duty) (AI).

Iraq: Two years, plus reserve service (AI).

Israel: Three years for men and two years for women, plus reserve duty of about one month in every year until the age of 54 (AI).

Italy: One year (WRI).

Kuwait: Two years (FWCC).

Lao People's Democratic Republic: 18 months (FWCC).

Latvia: 18 months (ECCO).

Libyan Arab Jamahiriya: From three to four years (FWCC).

Liechtenstein: The army was abolished in 1868 (WRI).

Lithuania: One year. Citizens, who graduated from higher educational institutions but have not completed a course of military education, serve in the army for six months. The length of the alternative (labour) service is 24 months.

Mexico: One year (FWCC).

Moldova: One year (WCC).

Mongolia: Two years (FWCC).

Morocco: 18 months (FWCC).

Mozambique: Two years (AI).

Niger: Two years (FWCC).

Norway: The length of alternative service is 16 months, whereas the length of military service is 12 to 15 months depending on the branch of the armed forces.

Paraguay: From 18 to 24 months (FWCC).

Peru: Two years (FWCC).

Poland: From 1 year to 18 months (WRI).

Portugal: Four months for ground service, extended to eight months in the army and to one year in the airforce and navy (WRI).

Republic of Korea: From 30 to 36 months (FWCC).

Romania: 12 months; 18 months in the navy. Academics have to perform military service for six months (WRI).

Russian Federation: 18 months (FWCC).

Senegal: Two years (FWCC).

Seychelles: Two years (FWCC).

Singapore: Two years' ordinary military service; three years' officer training (AI).

Slovakia: One year (WRI).

Slovenia: Six to seven months (WRI).

Somalia: Two years; 18 months for graduates of higher educational institutions (AI).

Spain: Nine months (WRI).

Sweden: Seven and a half to 15 months, 10 to 15 months for officers and possibly 18 to 20 months in the navy (WRI).

Switzerland: The basic military training lasts four months. Then conscripts must undertake 8 training courses of 20 days each before they are 42. Finally, before they are 50 they have to complete a total of a further 13 days military training (WRI).

Syrian Arab Republic: 30 months (FWCC).

Thailand: Two years (FWCC).

The Former Yugoslav Republic of Macedonia: Nine months (FWCC).

Togo: Two years (FWCC).

Turkey: 18 months (WRI).

Turkmenistan: 18 months (FWCC).

Ukraine: From one to two years; three years for volunteers. The length of alternative service is twice that of military service.

United Republic of Tanzania: Two years (FWCC).

Uzbekistan: 18 months (FWCC).

Venezuela: Two years (FWCC).

Viet Nam: Three years (FWCC).

Yemen: From two to three years (FWCC).

Yugoslavia: One year (WRI).

4. Recognition of conscientious objection: grounds recognized as valid: timing of claim for objector status

Afghanistan: Not recognized (AI).

Albania: Not recognized (WCC).

Angola: "There are no problems with conscientious objection to military service in Angola. Those who refuse to bear arms are asked to serve in the administrative sector" (E/CN.4/1995/99).

Antigua and Barbuda: "The issue of conscientious objection does not apply" (E/CN.4/1995/99).

Argentina: Conscientious objection is recognized. See paragraph 24 of the present report. Excerpts of relevant legislative provisions are included in document E/CN.4/1993/68: Argentina.

Austria: Conscientious objection is recognized. For details see E/CN.4/1993/68/Add.1: Austria. The time-limit for raising conscientious grounds which are incompatible with military service has been reduced by the Civilian Service Act Amendment 1994 to one month from the termination of the pre-conscription registration procedure. It is intended to extend that time-limit until one day before the call-up order is received, in the context of the 1996 Amendment to the Civilian Service Act that is currently under preparation and will take effect as of 1 January 1997.

Belarus: "The duration and procedures regulating alternative service will be determined by the Republic of Belarus Alternative Service Act and other legislative acts drawn up by the Ministry of Defence of the Republic of Belarus and submitted to the Supreme Council of the Republic for consideration". (E/CN.4/1995/99: Belarus).

Bolivia: Not recognized (AI).

Bosnia and Herzegovina: Not recognized (WRI).

Brazil: The Constitution of the Federative Republic of Brazil, in article 143, paragraph 1, stipulates: "It is within the competence of the Armed Forces, according to the law, to assign to alternative service those who, in times of peace, after being enlisted, claim imperatives of conscience, which shall be understood as originating in religious creed and philosophical or political belief, for exemption from essentially military activities." The constitutional text has been regulated by Decree No. 8.239 of 4 October 1991, and by Regulation No. 2.681 of 28 July 1992, which set out the rules and modalities of alternative service for conscientious objectors. The

alternative service comprises activities of an administrative, social or charitable nature. Individuals enrolled in alternative service are entitled to all rights and prerogatives enjoyed by citizens enlisted in the regular military service, including remuneration equivalent to the soldier's allowances (E/CN.4/1995/99: Brazil).

Bulgaria: Recognized under article 59 of the Constitution of 1991 (WRI).

Cambodia: Not recognized (AI).

Chile: Not recognized (NISBCO).

China: Not recognized. According to the law, military service is a duty for "all citizens of the People's Republic of China without distinction as to race ... or religious creed" (AI).

Colombia: Not recognized (NISBCO). Article 28 of Act No. 48/93 contains a list of the grounds for exemption from compulsory military service during peacetime. Conscientious objection to compulsory military service is not among them. For further details see paragraph 25 of the present report.

Croatia: Recognized in the 1990 Constitution (art. 47). Conscientious objection is allowed for those who, because of their religious or moral beliefs, are not prepared to perform military duties in the armed forces (WRI). Recognized, but only in peacetime (WCC).

Cuba: Not recognized. Under Article 54 of the Constitution, refusal to defend the country with arms on grounds of religious belief is a punishable offence (AI).

Cyprus: Recognized by law 2/92 of 9 January 1992 for reasons based on religious, ethical, moral and political grounds (WRI).

Czech Republic: The institution of refusal to perform the basic (alternative) military service or military exercise for reasons of conscience has been introduced. This is provided for in Law No. 18/1992 Coll. on non-military service, which took effect on 16 January 1992. Under section 9 of Law No. 69/1993 Coll. on the establishment of ministries and other central organs of State administration of the Czech Republic, non-military service falls within the jurisdiction of the Ministry of Labour and Social Affairs of the Czech Republic (E/CN.4/1995/99/Add.1: Czech Republic).

Democratic People's Republic of Korea: Not recognized (AI).

Denmark: Danish legislation recognizes conscientious objection to military service. The conditions are stated in legal order No. 191 of 2 April 1993. Conscientious objector status is granted to a person who objects to military service based upon his conscience. This can be for religious or ethical reasons. An application based solely on political reasons will be refused. (For further details see E/CN.4/1995/99: Denmark).

Dominican Republic: Not recognized (NISBCO).

Ecuador: Not recognized (NISBCO).

Egypt: Not recognized (AI).

El Salvador: See remarks in annex 1.

Estonia: Recognized on religious and ethical grounds (WCC).

Ethiopia: Not recognized (AI).

Federal Republic of Germany: Pursuant to the basic right contained in article 4, paragraph 3 of the Basic Law, no one may be compelled against his or her conscience to render war service. "War service" in this sense includes all activities which have a direct bearing on the use of weapons of war. In practice, in the Federal Republic of Germany, the right to refuse to render war service is broadly interpreted and permits reasons of religion, morals and philosophy to be invoked. (For further details, see para. 26 of the present report and E/CN.4/1995/99: Germany).

Finland: Recognized by the Civilian Alternative Service Act (1723/1991) for a person "affirming that serious conscientious reasons based on religious or ethical conviction prevents him from doing his military service ..." (art. 1, WRI). (See also E/CN.4/1993/68: Finland).

France: Recognized by law No. 83-605 of 8 July 1983 as one of the civilian forms of national service (governmental reply and WRI).

Greece: Law 731/77, amended in 1977, allows those objecting to military service on religious grounds to perform unarmed service for four and a half years. In 1988, it was amended again to allow unarmed service also for objectors on non-religious and moral grounds (WRI).

Guatemala: See remarks in annex 1.

Guyana: Recognized (NISBCO).

Hungary: Recognized by the National Defence Law of 1993 (WRI).

Iran (Islamic Republic of): Not recognized (AI).

Iraq: Not recognized (AI).

Ireland: There is no specific regulation for conscientious objection, but a soldier objecting to the role of the army can ask for discharge at any time (WRI).

Israel: Not recognized, although exemptions may be granted for religious, family or other reasons, including unsuitability for reasons of conscience (AI).

Italy: Recognized as of 1972 by law 772, as amended by law 6965 of December 1974, for those declaring themselves opposed to the use of arms in all circumstances for conscientious reasons based on religious, philosophical or moral convictions. Political grounds alone are not recognized (AI and WRI).

Kazakstan: Not recognized in general. Under the terms of the Universal Military Obligation and Military Service Act, which entered into force in Kazakstan on 1 January 1993, persons in holy orders and holding official office in one of the registered religious faiths are exempted from military service (see E/CN.4/1995/99).

Kuwait: Not recognized (AI).

Lao People's Democratic Republic: Not recognized (AI).

Latvia: Recognized for "religious or pacifist objectors" but not for selective objectors. Although the required term of alternate service is 24 months, the Ministry of Defence stated that a new bill is being drafted that will make the length of military and alternative service the same (WRI).

Libyan Arab Jamahiriya: Not recognized (WRI).

Lithuania: Recognized. See paragraph 27 of the present report.

Mexico: Not recognized (NISBCO).

Moldova: Recognized (WCC).

Morocco: Not recognized (WRI).

Mozambique: Not recognized (AI).

Netherlands: "Serious" conscientious objection is recognized and is defined as "insurmountable conscientious objection to the personal performance of military service in connection with the use of violence in which a person may become involved as a consequence of his serving in the military forces of the Netherlands" in the Law on Conscientious Objection to Military Service of September 1962, as subsequently amended in 1978. Selective objection (for example to the use of nuclear arms) is also possible (AI).

Norway: The first paragraph of section 1 of the Act relating to Exemption from Military Service for Reasons of Personal Conviction of 19 March 1965, in which the requirements for exemption are laid down, was amended by Act No. 42 of 22 June 1990. The provision now reads: "If there is reason to presume that a conscript is unable to perform military service of any kind without coming into conflict with his serious convictions, inter alia that he is thereby compelled to compromise beliefs that are of fundamental importance to him and that are related to the use of weapons of mass destruction as they could be expected to be used in modern-day defence, he shall be exempted from such service by the competent Ministry or by judgement pronounced pursuant to the provisions of this Act." (For further details see E/CN.4/1993/68: Norway).

Paraguay: Articles 37 and 129 of the Constitution explicitly recognize a right of conscientious objection. Article 37 reads "conscientious objection for ethical and religious reasons is recognized ...". Article 129, paragraph 5, states "those that declare their conscientious objections will perform service benefiting the civilian population through centres [...] under civil jurisdiction". There is no law regulating conscientious objection and alternative service in Paraguay. The constitutional guarantees for conscientious objectors remain unenforced (NISBCO).

Peru: Not recognized (NISBCO).

Poland: Recognized by the Constitution. Its current legal basis is the Law on Civilian Service of 21 November 1992 (WRI).

Portugal: Recognized by Act 7/92 of 2 May 1992 and Decree-Law No. 191/92 of 2 September 1992. (For further details see E/CN.4/1993/68/Add.3: Portugal).

Republic of Korea: With respect to alternative service for conscientious objectors to military duty, the Constitution provides that all citizens shall have the duty of national defence under the conditions prescribed by law (art. 39 (1)). The Supreme Court has decided that a Jehovah's Witness, who refuses the duty of national defence is subject to the punishment prescribed in the Military Service Act, and the so-called "conscientious decision" is not included in the freedom of conscience protected by article 19 of the Constitution (Supreme Court decision, 22 July 1969, 69-TO-934) (CCPR/C/68/Add.1, para. 146).

Romania: A draft law is to be adopted on the subject. See paragraph 29 of the present report.

Russian Federation: Recognized by article 59 of the Constitution. However, there are still no legal mechanisms by which young men can exercise this constitutional right. A draft law is currently under consideration by the Duma (ECCO).

Senegal: Not recognized (E/CN.4/1995/99/Add.1).

Singapore: Not recognized (AI).

Slovakia: Recognized. Citizens can refuse to perform the basic military service in accordance with the Act on Civil Service No. 207/1995, and they can perform civil service by undertaking activities which last twice as long as the basic military service. The latter lasts 12 months under the Directive of the Government of the Slovak Republic of 27 April 1993, No. 115/1993.

Slovenia: Recognized by article 46 of the Constitution. (For details see E/CN.4/1993/68: Slovenia).

Somalia: Not recognized (AI).

Spain: Recognized by Law 48/1984 of 28 December 1984. Religious, ethical, moral, humanitarian, philosophical or other "similar" grounds are acceptable (AI).

Sweden: Recognized by section 1 of Non-Military Service Act of 1966. (For details see E/CN.4/1995/99: Sweden).

Switzerland: Recognized in the Military Penal Code. The sanction is compulsory labour for one and a half times the length of the military service refused. The military judge decides whether the person concerned is a conscientious objector or not. This is the "Barras regulation", which was included in Military Penal Code in July 1992. In 1993, a new law on substitutory service was proposed. It was enacted by parliament in October 1995. It came into force in 1996 (WRI).

Syrian Arab Republic: Not recognized (AI).

The Former Yugoslav Republic of Macedonia: Recognized (WRI).

Tunisia: Not recognized (E/CN.4/1993: Tunisia).

Turkey: Not recognized (WRI).

Ukraine: Recognized by the Ukrainian Alternative (Non-Military) Service Act, which defines the institutional and legal bases for such service and which came into force on 1 January 1992. It provides that alternative service shall, as a rule, be performed in the area where the person lives and only in State enterprises. The conditions of employment of persons performing such service are governed by Ukrainian labour law; in other words, they enjoy all rights on an equal footing with the enterprise's regular workforce. The Act stipulates that alternative service shall be performed in institutions in the fields of social welfare, health care or environmental protection, or in municipal or agricultural enterprises or organizations. The length of service is twice that of military service. (For further details see E/CN.4/1995/99/Add.1: Ukraine).

United Kingdom of Great Britain and Northern Ireland: Conscientious objection for professional soldiers is only possible on grounds of absolute and universal pacifism (WRI).

United States of America: Recognized by Department of Defense Directive 1300.6; however, there is no compulsory military service. The Directive provides for two classes of conscientious objector. The first class is comprised of those individuals who object to all wars of all kinds, regardless of location and circumstances, by reason of religious convictions. The second class of conscientious objectors consists of those individuals who are willing to serve in the armed forces in a non-combatant status. (For further details see E/CN.4/1995/99, paras. 57-64).

Venezuela: Not recognized (NISBCO).

Viet Nam: Not recognized (AI).

Yemen: Not recognized (AI).

Yugoslavia: Recognized for a recruit who for religious or other reasons of conscience does not want to do his military service carrying arms or wishes to serve it in civil service. He shall do his military service in the army of Yugoslavia and not carry arms, or in civil service for a duration of 20 months. (For further details see E/CN.4/1993/68: Yugoslavia).

Zimbabwe: Recognized by section 24 of the National Service Act of 1979. See paragraph 30 of the present report.

5. Known cases of conscientious objection

Argentina: On 18 April 1989, in the Portillo case, the Supreme Court of Argentina recognized the principle, on the grounds of freedom of worship and conscience, that citizens are entitled to perform their national service without bearing weapons. The scope of this right is to be determined in the light of each particular case, although on the same grounds, and in the light of the Constitution alone, the Court also ruled that refusal to perform national service was not justified. The Supreme Court dismissed as irrelevant the lack of any legal provision expressly stipulating conscientious objection as a ground for exemption, on the basis that individual rights - whose enjoyment and exercise solely require that the authorities refrain from committing certain acts - must necessarily be asserted by the courts in respect of specific cases.

Austria: In 1995, close to 6,000 conscripts were exempted from their obligation to do military service on the ground that they had submitted a civilian service statement.

Belarus: There are several options for a conscientious objector in Belarus at present, both of them unpleasant: if he is wealthy enough, he can buy for about 250 United States dollars a false medical certificate stating that he is not fit for the service or, if he is poor, he can go into hiding. It is estimated by the Belarus League for Human Rights that at the spring call-up in 1995, 30 per cent of conscripts refused to enter the service. Ninety-nine per cent of them are now in hiding, or they are feigning illnesses (including psychological illnesses) (ECCO).

Bosnia and Herzegovina: There are a number of Jehovah's Witnesses and some others who refuse to carry weapons and refuse to take part in the war. Some of the Jehovah's Witnesses are treated as draft evaders or deserters. There are also cases in which local military commanders have assigned Jehovah's Witnesses to non-combat duties, such as military cooks and kitchen helpers. Similar accommodations have been made for other minority group members and others who were able to make a compelling and convincing case to the local military commander who has the discretion to do this, but it is not available as a right (WRI).

Bulgaria: In October 1993, there were conscientious objectors among the 5,883 draft evaders (WRI).

Colombia: The Office of the Ombudsman was aware of four official cases of conscientious objection to compulsory military service. In those cases the four persons concerned, with the assistance of the Office of the Ombudsman, filed an application for the protection of their fundamental rights. The results were not favourable for the objectors, as the presiding judges did not allow the objection.

Cyprus: There are at least 16 conscientious objectors, imprisoned since 16 March 1992, who have been adopted as prisoners of conscience by Amnesty International (WRI).

Denmark: During the past 10 years the following numbers of conscripts have been transferred to civilian service:

Year	No.
1981	660
1982	513
1983	431
1984	378
1985	282
1986	329
1987	460
1988	595
1989	676
1990	614
1991	525
1992	579
1993	714

Federal Republic of Germany: In 1995, 160,569 German conscripts filed an application for refusal to render war service. Roughly 90 per cent of the applications were recognized. In that year, some 130,080 persons were performing substitute service.

Finland: The number of persons applying for a civilian service status was relatively stable in the 1980s, amounting to some 400 to 500 persons a year. In addition, an average 800 reservists a year applied for non-military service. In 1991, 1,052 conscripts/military servicemen transferred to civilian service (plus 652 reservists). In 1992, the number will rise, since, on 6 October 1992, the Ministry of Labour statistics had already recorded 1,605 new persons undertaking civilian service (in addition to just over 300 persons from the reserve forces in complementary service) (see E/CN.4/1993/68: Finland).

France: The number of conscientious objectors was 1,316 in 1983 and 8,023 in 1994.

Greece: In 1995, some 360 conscientious objectors were in prison. All, except for one, were Jehovah's Witnesses who had religious objections to military service. At present the sole non-religious conscientious objector in prison is Nicos Karanicas. He was arrested on 25 August 1995, one day before the beginning of the European Conscientious Objectors Meeting (ECOM) on the island of Ikaria (which was subsequently disrupted by the Greek police). All other objectors are Jehovah's Witnesses. In addition, there are many non-religious conscientious objectors, some living in Greece, others living abroad, who have arrest warrants against them (IHFHR).

Hungary: Almost all applications (90 per cent) for substitutory service are granted if the word conscience is mentioned. According to the National Defence Law (art. 116), applications can be rejected when the applicant has a weapons permit or has committed a violent crime within a year prior to application (WRI).

Italy: From 90 to 97 per cent of applicants are granted conscientious objector status (WRI).

Kazakstan: Two conscientious objectors, Nikolay Protsenko and Arbem Maloeyev, were both sentenced to terms of imprisonment for refusing to perform compulsory military service in 1995 and 1994 respectively. Both men are Jehovah's Witnesses (AI).

Netherlands: The number of recognized conscientious objectors was 2,184 in 1987; 2,083 in 1988; 1,987 in 1989; 1,957 in 1990; 1,898 in 1991; 1,598 in 1992; 1,526 in 1993; and 1,376 in 1994.

Norway: The following statistics show the number of persons who applied for the status of conscientious objector, and the number of persons who were actually recognized as such in the period 1987-1990:

Year	Number of applicants	Number of applications withdrawn	Number recognized
1987	2 360	240	1 629
1988	2 360	210	1 596
1989	2 259	206	1 742
1990	2 548	150	2 034
1991	2 666	356	1 930

Poland: In 1992, approximately 50 per cent of the 6,000 applications were granted; in 1994, 60 per cent (WRI).

Russian Federation: Some reports state that a handful of conscientious objectors, after petitioning the local conscription commission to perform alternative civil service, have been permitted to serve in medical or fire corps of the military.

Slovakia: Since the Act on Civil Service No. 73/1990 of the Code was adopted, basic military service has been refused in a legal way by 29,384 citizens. Declarations of refusal of basic military service were subsequently withdrawn by 25,063 citizens. During the period 1993-1995, 15,188 declarations of refusal to perform the basic military service were submitted, 1,114 of them in 1993, 5,739 in 1994 and 8,335 in 1995.

Slovenia: Since 1991, about 200 conscripts have applied for conscientious objector status each year. However, the percentage grew from 1 per cent in 1993, to 2.5 per cent in 1994 and to 2.8 per cent in 1995 (WRI).

Spain: In 1990, 27,398 conscripts applied for conscientious objector status; in 1993, over 50,000; and in 1994, 70,000 (WRI).

Sweden: Since 1990, there have been about 200 conscientious objectors each year (WRI).

Switzerland: Of 534 objectors in 1989, 147 claimed religious motives, 75 ethical and 39 political; 363 were imprisoned. The following number of conscientious objectors were convicted for refusing military service (WRI):

Year	Total COs	Labour sentence	Prison sentence
1991	475	212 (44.6 per cent)	263 (55.4 per cent)
1992	433	236 (54.5 per cent)	197 (45.5 per cent)
1993	409	268 (65.5 per cent)	141 (34.5 per cent)
1994	239	162 (67.8 per cent)	77 (32.2 per cent)
1995	256	177 (69.1 per cent)	79 (30.9 per cent)

Turkey: At present Turkish law still does not allow for the possibility of refusing to do military service. However, many young men refuse to participate in the Turkish military's actions and subsequently evade the draft or declare themselves conscientious objectors. The Government of Turkey, in the past few years, has taken severe action against draft evaders and conscientious objectors. They now face fines and prison sentences. In fact, even persons who discuss the subject openly, as a number of journalists have done, are being prosecuted (IHFHR).

Ukraine: The position at 1 January 1994 was that 800 persons in Ukraine were performing alternative service. Every draft for military service includes an alternative service contingent averaging 300 persons. Thus, in the autumn 1993 draft, 321 persons were assigned to alternative service, as follows: social welfare, 31; health care, 53; environmental protection, 16; municipal works, 66; agriculture, 129; other, 26.

United States of America: Despite the fact that military service is now voluntary, military personnel who develop conscientious objections to military service may seek reassignment to non-combatant duties or discharge from the Armed Forces under Department of Defense Directive 1300.6 (NISBCO).

6. Alternative and development services

Afghanistan: There is no alternative service (AI).

Albania: There is no alternative service (AI).

Angola: Those who refuse to bear arms are asked to serve in the administrative sector.

Argentina: Alternative service is recognized. (For details see E/CN.4/1993/68: Argentina).

Austria: Alternative service is available for recognized conscientious objectors. (For further details see E/CN.4/1993/68/Add.1: Austria).

Belarus: The national legislation provides for alternative service of 24 months in the construction industry (WCC).

Bolivia: There is no alternative service (NISBCO).

Bosnia and Herzegovina: Some Jehovah's Witnesses are treated as draft evaders or deserters. There are also cases in which local military commanders assigned Jehovah's Witnesses to non-combat duties, such as military cooks and kitchen helpers (WRI).

Brazil: Decree No. 2.239 of 4 October 1991 and Regulation No. 2.681 of 28 July 1992 set out the rules and modalities of alternative service for conscientious objectors. Alternative service comprises activities of an administrative, social or charitable nature. (For further details see E/CN.4/1995/99: Brazil).

Bulgaria: The Law on National Defence of December 1995 recognized the right to alternative service but it did not include any implementation procedures (WRI).

Cambodia: There is no alternative service (AI).

Canada: Alternative service is available (NISBCO).

Cape Verde: Civil national service is available (AI).

Chile: There is no alternative service (NISBCO).

China: There is no alternative service (AI).

Colombia: There is no alternative service, since conscientious objection is not allowed. Nevertheless, without directly invoking the objection, it is possible for an "objector" to perform his military service without the use of arms and without taking part in combat or hostilities. For further details, see paragraph 38 of the present report.

Croatia: The civilian service is performed as a rule within the Croatian Army in duties not involving carrying and using arms, but can also be performed in organizations with an office or a seat in the Republic of Croatia.

Cuba: There is no alternative service (AI).

Cyprus: In January 1992 the House of Representatives passed legislation which recognized the right to conscientious objection to military service. It provides for "unarmed military service" inside and outside military camps. The legislation made provision for alternative service which was, however, out of line with international standards in a number of crucial respects (AI).

Czech Republic: Substitutory service is available and can be performed in public services (hospitals, etc.) (WRI).

Democratic People's Republic of Korea: There is no alternative service (AI).

Denmark: Alternative service may be performed in institutions for children, young people and old people, institutions for mentally and physically disabled people, or cultural institutions such as museums, theatres, libraries, etc. It is also possible to work in peace organizations, organizations connected with the United Nations, the national church and environmental organizations. It is a condition, however, that the conscripts work as extras, i.e. they may not be employed in an approved vacant job and they may not be used in a job demanding a special skill or in an institution which they know or in which they have been employed. (For further details see E/CN.4/1995/99: Denmark).

Dominican Republic: There is no alternative service (NISBCO).

Ecuador: There is no alternative service (NISBCO).

Egypt: There is no alternative service (AI).

El Salvador: There is no alternative service (NISBCO).

Ethiopia: There is no alternative service (AI).

Federal Republic of Germany: Alternative service is available to recognized conscientious objectors. For details see paragraph 39 of the present report.

Finland: Non-military service consists of work for the public good. Alternative work service is performed mainly in the field of social welfare or health service, education or culture or in tasks connected with the protection of the environment or rescue work. In addition to public and local sectors, the service may be performed in certain other institutions, including the church and certain non-profit-making civil societies. There are over 500 institutions which organize alternative work service in various parts of Finland. (For further details see E/CN.4/1993/68: Finland).

France: Alternative service is recognized and administered by the Ministry of Social Affairs.

Greece: There is no alternative service. Legislation was drafted in 1988 providing a civilian service of twice the duration of military service, but this has not been enacted (WRI).

Guatemala: Alternative service is proposed in a draft law under consideration (NISBCO).

Guinea-Bissau: There is no alternative service; however, those supporting families may apply for deferral, which is usually granted (AI).

Honduras: There is no alternative service (NISBCO).

Hungary: Alternative service is recognized and administered by the Ministry of Labour (WRI).

Iran (Islamic Republic of): There is no alternative service (AI).

Israel: Alternative service is not available. However, individuals may be allowed by their commanding officers to perform military service in specific areas only, for example within Israel for those selective objectors opposed to serving in the occupied territories (AI).

Italy: Alternative service is recognized and can be performed in non-governmental organizations working in the social, health, cultural, environmental, peace and civil protection fields (WRI).

Kazakstan: There is no alternative service.

Kuwait: There is no alternative service (AI).

Lao People's Democratic Republic: There is no alternative service (AI).

Latvia: Alternative service is recognized and organized through the Ministry of Defence and may be performed in public health, social welfare, municipal economy or protection of environment (WRI).

Libyan Arab Jamahiriya: There is no alternative service (AI).

Lithuania: Article 12 of chapter II of the Law on Alternative (Labour) Service provides for alternative (labour) service to be carried out on sites and projects indicated by the Government. Citizens may perform alternative (labour) service on the conditions of agreements made by the Department of Defence. These agreements shall be concluded with the municipalities, enterprises, offices and organizations. The Temporary Act on Military Service provides that alternative (labour) service shall be carried out in State labour detachments and in humanitarian and public services. Citizens performing alternative (labour) service receive 85 per cent of their pay, but no less than the State-established minimum for subsistence (art. 27).

Mexico: There is no alternative service (NISBCO).

Moldova: Twenty-four months' civilian service in the construction industry (WCC).

Morocco: There is no alternative service (WRI).

Mozambique: There is no alternative service (AI).

Norway: The alternative service for COs is mainly served in the health and social welfare sectors, humanitarian organizations, research institutions, museums and forestry and other agricultural work. (For further details see E/CN.4/1993/68: Norway).

Paraguay: There is no alternative service (NISBCO).

Peru: There is no alternative service (NISBCO).

Poland: Alternative service is recognized and is administered by the Ministry of Labour and Social Affairs in cooperation with local authorities. It can be performed in environmental protection, health care and public service (WRI).

Portugal: Alternative service is provided for by article 276 of the Constitution and the Law on Conscientious Objection of 22 March 1985. Such service should be performed in the social, humanitarian, health, aid or environment sectors (AI).

Republic of Korea: The Military Service Exemption Control Law was passed in 1989: The Enforcement Decree of 20 April 1990 for the Military Service Exemption Control Law lists fewer job specifications that can be included in the military duty-substitution programme. Under the decree, there are just three categories of professional personnel who can benefit from the exemption programme: research, technical and public medical staff. The programme requires the professionals concerned to work in their respective fields for at least five years after undergoing six weeks of basic military training, instead of the mandatory military service, which lasts nearly three years on average (AI).

Romania: A draft law on alternative service has been submitted to the legislature (WRI).

Russian Federation: In November 1994, the Duma passed at first reading a bill "On Alternative Civil Service", but the Duma rejected the bill at its second reading in May 1995. On 14 February 1996, only 83 out of 450 members of the Duma voted for a law on alternative service (European Bureau for Conscientious Objection, "Right to refuse to kill" March/April 1996, p. 3).

Singapore: There is no alternative service (AI).

Slovakia: Alternative service is recognized and administered by the Ministry of Defence. It can be performed in State or municipal organizations or units of the Slovakian army (WRI).

Slovenia: Alternative service is recognized and can be performed in 12 types of institution, including fire brigades, hospitals and humanitarian organizations (WRI).

Somalia: There is no alternative service (AI).

Spain: Alternative service is provided for by law. It consists of work in the public interest that is run by the Public Administration and non-profit-making charities (AI).

Sweden: Alternative service is supervised by the Board for Administration and Training of Conscientious Objectors, Ministry of Defence. It is available to all recognized conscientious objectors, and can be performed in a government office, in an association or institution (AI and WRI).

Switzerland: There is no alternative service, although unarmed military service is available to some who, for moral or ethical reasons, would face "a severe conflict of conscience" if required to use a weapon (AI).

Turkey: There is no provision for alternative service on conscientious grounds, although since 18 April 1987 all in military service may apply to do service in forestry, public institutions, etc. after completing three months' basic training. It is also possible to pay so that service lasts as little as two months, although this is very costly (AI).

Ukraine: The Ukrainian Alternative (Non-Military) Service Act, which defines the institutional and legal bases for such service, came into force on 1 January 1992. It provides that alternative service shall, as a rule, be performed in the area where the person lives and only in State enterprises. The conditions of employment of persons performing such service are governed by Ukrainian labour law; in other words, they enjoy all the rights on an equal footing of the enterprise's regular workforce. The Act stipulates that alternative service shall be performed in institutions in the fields of social welfare, health care or environmental protection, or in municipal or agricultural enterprises or organizations.

Venezuela: There is no alternative service (NISBCO).

Viet Nam: There is no alternative service (AI).

Yemen: There is no alternative service (AI).

Yugoslavia: Conscientious objectors who object to military service on religious grounds may do unarmed service within the military (AI).

7. Possible penalties for refusal to perform military services

Afghanistan: Until recently, conscientious objectors were tried and imprisoned. Now they are arrested and sent to the army (AI).

Albania: According to information received, the constant avoidance of military service is punished by deprivation of liberty for up to five years. The same act, when committed in wartime or in a state of emergency is punished by deprivation of liberty for not less than five years, or by death (AI).

Angola: Those charged with desertion are believed to be subject to one to two years' imprisonment (AI).

Argentina: Any person who refuses to perform alternative social service shall, provided he does not commit a more serious offence, be liable to two to four years' imprisonment and general disqualification for the duration of the sentence.

Austria: Up to two years' imprisonment for unauthorized absence from the army and refusal to obey military orders (AI).

Bolivia: No alternative service, and length of service is doubled to two years for those who attempt to refuse. Students may, however, request a deferral until they finish their studies, and exemption can be requested for physical disability. Those who have refused to perform military service cannot be elected as members of Parliament (AI).

Bosnia and Herzegovina: The Assembly of the Republic of Bosnia and Herzegovina adopted an Amnesty Law which came into force on 26 December 1994 (Protocol No. 1722/94). The Federation of Bosnia and Herzegovina also enacted a similar law. They provide amnesty for those who evaded the draft or deserted "if they received a call-up between 20 June 1992 and the day this law takes effect" (WRI).

Brazil: A fine is imposed for not registering. In addition, any male over the age of 18 must show proof of registration to obtain a work card or other State-provided services or benefits (AI).

Bulgaria: Article 361 of the Bulgarian Penal Code of 1986 provides for up to three years' imprisonment for evasion of military service (WRI).

Cambodia: Imprisonment for from three months to one year during peacetime, or six months to seven years during wartime (AI).

Chile: Article 70 of Decree Law 2306 provides for 61 to 540 days' imprisonment or up to 4 years' military service for failure to sign on at the age of 18; article 73 provides for the same penalties for failure to respond when called up (AI).

China: Article 61 of the law on military service, promulgated on 31 May 1985 states that "those who avoid or refuse registration ... conscription ... [or] military training shall undergo education and, if this is unsuccessful, be forced by the local People's Government to carry out their military service duty". In wartime separate military regulations apply (AI).

Colombia: Unwillingness to perform compulsory military service may lead to the unwilling recruit being tried for disobedience and possibly being sentenced to a prison term of from one to three years. If an individual simply fails to or ignores his obligation to define his military status and lets time pass, he may be fined when he does define it, even if he is not recruited. For further details see paragraph 41 of the present report.

Croatia: Chapter 18 of the Basic Criminal Code, entitled "Offences against the Armed Forces of the Republic of Croatia", provides for the following penalties for draft evasion and desertion:

> Failure to answer mobilization call-up: a maximum of 1 year's imprisonment in peacetime; 1 to 10 years in wartime (art. 166, para. 1);
>
> Hiding inside the country to avoid mobilization: 3 months to 5 years in peacetime; 5 to 10 years in times of threat of war;
>
> Leaving the country to avoid mobilizsation: 1 to 10 years in peacetime; 5 to 20 years during times of war or threat of war (WRI).

Cuba: Article 252 of the Penal Code provides for a fine or a prison sentence of from three months to one year, or both, for trying to evade obligations related to military service. If fraud is used in evading service, the penalty is a fine or from six months to two years' imprisonment. Article 253 provides for a fine or a prison sentence of from six months to two years' imprisonment, or both, for not reporting for military service. There are unconfirmed reports of Jehovah's Witnesses being imprisoned for refusing military service, but no individual names are known (AI).

Cyprus: Imprisonment of from four to six months for those refusing military service, and from several weeks to four months for those refusing reservist exercises. Upon release, conscientious objectors are called up again and can face further terms of imprisonment if they continue to refuse to comply (AI).

Denmark: According to article 6 of the Civil Service Act of 1987, refusal to perform alternative service can be punished with fines and up to one year's imprisonment (WRI).

Ecuador: A fine is imposed (AI).

Egypt: One year's imprisonment plus a fine (AI).

Federal Republic of Germany: Up to five years' imprisonment (AI).

Finland: A person who refuses to perform civilian service/neglects his duty as a person liable for non-military service, a violation of civilian service, shall be sentenced to imprisonment for a period which is equivalent to half of the length of his remaining service time. Imprisonment for violation of civilian service duties is thus now markedly shorter than it was under the previous legislation with unconditional prison sentences of about 11 to 12 months. According to the revised legislation, a person serving his prison sentence may also, on appeal, be paroled to perform his civilian service. If a person in complementary service fails to obey call-up orders, a fine is imposed.

France: Imprisonment for between 2 and 12 months; up to 3 years for desertion.

Greece: As Greece has been in a state of general mobilization since 1976, resisters are tried by military courts. In theory, they can be sentenced to life imprisonment; in reality they are normally sentenced to four or four and a half years in prison (WRI).

Guatemala: Those who refuse to do military service may be imprisoned (AI).

Guinea-Bissau: Possible imprisonment (AI).

Hungary: Under article 366 of the Criminal Code, those who refuse military service may be sentenced to up to 5 years' imprisonment (6 to 15 years in wartime) (AI).

Iran (Islamic Republic of): Longer than normal period of military service; possible suspended prison sentence (AI).

Israel: "Failure to fulfil" a duty imposed by the conscription law may lead to up to 2 years' imprisonment; attempting to evade military service may lead to up to 5 years' imprisonment; and refusal to perform reserve duty may lead to sentences of up to 56 days' imprisonment, renewable if the objector repeatedly refuses (AI).

Italy: Imprisonment for between six months and two years (AI).

Jordan: For those who desert while actually performing military service, the penalty is life imprisonment (AI).

Libyan Arab Jamahiriya: Three years' imprisonment and deprivation of civil rights for 10 years (AI).

Lithuania: Article 79 of the Penal Code stipulates that evasion of the regular draft or alternative (labour) service may be punishable by imprisonment for up to two years. If a conscript deliberately injures himself, simulates illness, forges documents or avoids performing his duty in any other way, he may be committed for from one to five years' imprisonment. In accordance with article 80, evasion of the mobilization draft for national defence service may be punishable to imprisonment for from two to five years.

Mexico: Current Mexican legislation does not establish penalties for conscientious objectors, since conscientious objection does not constitute an offence.

Morocco: Desertion is punishable with jail terms of from 6 months to 3 years in peacetime and from 5 to 20 years in wartime (WRI).

Mozambique: Possible imprisonment (AI).

Norway: Conscripts not recognized as conscientious objectors who refuse call-up orders may be sentenced to three months' imprisonment under paragraph 35 of the Military Penal Law for Unauthorized Absence from the Military Service and may be subject to further call-up and possible further sentence after release (AI).

Peru: Possible prison sentence (AI).

Poland: Article 305 of the Penal Code provides for a sentence of from 6 months to 5 years' imprisonment for refusing "to perform military duty or to fulfil a duty resulting from such service"; the sentence is 3 to 10 years during wartime (AI).

Portugal: Possible imprisonment of up to one year. In practice sentences range between four and eight months' imprisonment (AI).

Republic of Korea: Those charged with "desertion of military service" under article 30 of the Military Penal Code may be subject to from 3 to 10 years' imprisonment in peacetime. There are reports of Jehovah's Witnesses being sentenced to 3 years' imprisonment for refusing military service, but no details are known (AI).

Romania: According to article 353 of the Romanian Penal Code, ignoring call-up may be punished with imprisonment of from one to five years. Article 348 provides that draft-evasion may be punished with imprisonment of from six months to five years and article 323 states that desertion can be punished with one to seven years' imprisonment (WRI).

Singapore: Article 32 of the Enlistment Act states that the punishment for evading military service shall be a term of imprisonment not exceeding three years, a 5,000 dollar fine or both; acts deemed "desertion" face a maximum penalty of 10 years (AI).

Somalia: There are reports of the arrest and imprisonment of persons refusing military service; reports also indicate that some refugees not liable in law to conscription have been forced into the army. It is alleged that some resisters have been shot by the security forces (AI).

South Africa: There is a moratorium on prosecution for not reporting for military service. Therefore, all references to prosecutions, sentences and detention for falling to report for military service (except in cases of absence without leave and desertion) are no longer applicable.

Spain: For those who are recognized as conscientious objectors but who refuse to perform alternative service, the law provides for jail sentences of from two years, four months and a day to six years (WRI).

Sweden: It is customary practice to impose a conditional sentence and fines on a person refusing military service for the first time. In the case of repeated refusal, a prison sentence, as a rule for a term of four months, is generally imposed. However, the rules on conditional release mean that the person in question only needs to serve half the prison term. The Government usually prescribes, by virtue of section 46, subsection 1, of the Act on Compulsory Military Service, that a conscript who has received such a sentence shall not be called up for military service until further notice.

Switzerland: Up to three years' imprisonment, although in practice sentences rarely exceed one year. In cases where the objector is considered to have acted as a result of "a severe conflict of conscience" because of religious or moral beliefs, a maximum sentence of six months' imprisonment may be imposed. Repeated refusal to perform military service may in theory result in successively higher prison sentences (AI).

Turkey: Failure to report for examination is punishable by a sentence of from six months' to one year's imprisonment. The normal sentence for refusal to perform military service is one year, but this may be increased on subsequent convictions for the same offence (AI).

Yemen: Failure to report for service (up to age 30) is punishable by up to two years' imprisonment. Evasion by means of desertion or fraud is punishable by up to three years' imprisonment or a fine of 10,000 to 30,000 riyals.

Yugoslavia: The Federal Criminal Code provides the following possible penalties for draft evasion (art. 214), desertion (art. 217) and draft evasion/desertion in times of war (art. 266):

(a) Failure to answer recruitment call-up: a maximum of 1 year's imprisonment in peacetime; 1 to 10 years in wartime;

(b) Hiding inside the country with the intent to evade recruitment: 3 months to 5 years in peacetime; 5 to 20 years in wartime (earlier, capital punishment);

(c) Going or staying abroad with the intent to evade recruitment: 1 to 10 years in peacetime; 5 to 20 years in wartime (earlier, capital punishment);

(d) Inciting a conscript to commit one of these offences: Inciting to commit (a): a maximum of 3 years; inciting to commit (b) or (c): 1 to 15 years. In wartime more severe punishments;

(e) Desertion and not returning within 30 days: 6 months to 5 years in peacetime; 5 to 20 years in wartime (earlier, capital punishment);

(f) Desertion and leaving the country: a minimum of one year in peacetime; 5 to 20 years in wartime (earlier, capital punishment) (WRI).

8. Dissemination of information on the possibility of obtaining conscientious objector status

Austria: Conscripts are informed about the possibility of submitting a civilian service statement. Further, a special information office for civilian service matters has been installed at the Federal Ministry of the Interior and several private organizations can also provide information about the civilian service.

Colombia: Since conscientious objection is not allowed, the Government does not disseminate information on the subject. Nevertheless, the Office of the Ombudsman pleads cases of conscientious objection and, if necessary, provides information and advice to those who request it; it has also encouraged information meetings and debates on the matter.

France: Information is disseminated as of the age of 17, at the same time and in the same conditions, as that which is disseminated to all young people, on the possibilities available to them in respect of the fulfilment of their obligations of national service.

Annex II

LISTING OF COUNTRIES OR TERRITORIES ACCORDING TO THEIR SITUATION WITH REGARD TO CONSCRIPTION AND ALTERNATIVE SERVICE

1. In this annex, countries or territories about which relevant information (as reflected in annex I above) is available have been listed according to their situation with regard to conscription and alternative service.

2. List 1 shows countries or territories in which there is no conscription. It should be noted that, according to the information collected, in some of these countries or territories it is possible for conscientious objectors to perform alternative service in place of military service, or would be possible if compulsory military service were introduced or reintroduced (Australia, Malta, Papua New Guinea, United States of America and Zimbabwe).

3. List 2 shows countries in which selective conscription exists in law but military service is voluntary in principle.

4. List 3 shows countries in which conscription exists but is not enforced.

5. List 4 shows countries in which conscription is enforced and conscientious objection legally recognized, and in which objectors may perform civilian and/or unarmed military service.

6. List 5 shows countries in which conscientious objectors may perform unarmed (non-combatant) service within the military forces. This list is divided into two categories: (a) countries where the possibility of performing such unarmed service is legally and officially recognized; (b) those where such a possibility exists only on an ad hoc or unofficial basis.

7. Finally, list 6 shows countries is which conscription exists and no alternative service is available to conscientious objectors.

1. Countries or territories in which there is no conscription

Antigua and Barbuda
Australia
Bahamas
Bahrain
Bangladesh
Barbados
Belgium
Belize
Botswana
Brunei Darussalam
Burkina Faso
Burundi
Cameroon
Canada
Costa Rica
Djibouti
Fiji
Gabon
Gambia
Ghana
Grenada
Haiti
Hong Kong
Iceland
India
Ireland
Jamaica
Japan
Jordan
Kenya

Kyrgyzstan
Lesotho
Luxembourg
Malawi
Malaysia
Maldives
Malta
Mauritania
Mauritius
Monaco
Myanmar
Nepal
Netherlands
New Zealand
Nicaragua
Nigeria
Oman
Pakistan
Panama
Papua New Guinea
Qatar
Rwanda
San Marino
Saudi Arabia
Sierra Leone
South Africa
Sri Lanka
Suriname
Swaziland
Tonga
Trinidad an bago
Uganda
United Arab Emirates
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay
Vanuatu
Zambia
Zimbabwe

2. Countries in which selective conscription exists but military service is voluntary in principle

Argentina
Benin
Bhutan
Central African Republic
Chad
China
Honduras
Indonesia
Côte d'Ivoire
Mali
Niger
Senegal
Togo

3. Countries in which conscription exists but is not enforced

El Salvador
Namibia

4. Countries in which provision is made for civilian and/or unarmed military service

Angola
Austria
Belarus
Brazil
Bulgaria
Cape Verde
Cyprus
Czech Republic
Denmark
Estonia
Federal Republic of Germany
Finland
France
Hungary
Italy
Latvia
Lithuania
Norway

Poland
Portugal
Slovakia
Slovenia
Spain
Sweden
Ukraine

5. Countries in which provision is made for non-combatant service in the armed forces

(a) On a legal basis

Croatia
Yugoslavia

(b) On an ad hoc basis

Bosnia and Herzegovina
Russian Federation
Switzerland

6. Countries in which there is conscription without alternative service

Afghanistan
Albania
Algeria
Bolivia
Cambodia
Chile
China
Colombia
Cuba
Democratic People's Republic of Korea
Dominican Republic
Ecuador
Egypt
Equatorial Guinea
Ethiopia
Greece
Guatemala
Guinea-Bissau
Honduras
Georgia
Guinea
Iran (Islamic Republic of)
Iraq
Israel
Kazakstan
Lao People's Democratic Republic
Lebanon
Liberia
Libyan Arab Jamahirya
Madagascar
Mexico
Mongolia
Morocco
Mozambique
Paraguay
Peru
Philippines
Republic of Korea
Romania (a draft law on alternative service has been submitted)
Singapore
Somalia
Sudan
Thailand
Tunisia
Turkey
Venezuela
Viet Nam
Yemen

Annex III

INFORMATION ON THE QUESTION OF ASYLUM

1. The Secretary-General has not received any information relating to the question of asylum.

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Fifty-third session
Item 24 of the provisional agenda

INDIGENOUS ISSUES

Activities undertaken and information received in pursuance of Commission resolution 1996/41 on a permanent forum for indigenous people in the United Nations system

Report of the Secretary-General

1. In its resolution 1996/41 of 19 April 1996 on a permanent forum for indigenous people in the United Nations system, the Commission on Human Rights requested the Secretary-General to provide the Commission at its fifty-third session with a report on the activities undertaken and information received in pursuance of the resolution. The Commission also decided to continue the consideration of the possible establishment of a permanent forum at its fifty-third session, including the question of a second workshop on the issue.

2. The Secretary-General, in accordance with resolution 1996/41, has transmitted the report of the first workshop on the possible establishment of a permanent forum, held in Copenhagen from 26 to 28 June 1995 (E/CN.4/Sub.2/AC.4/1995/7), to Governments, indigenous organizations and intergovernmental and non-governmental organizations, inviting them to express their views. The comments and suggestions received were submitted to the fourteenth session of the Working Group on Indigenous Populations held in Geneva from 29 July to 2 August 1996.

3. At its fourteenth session, the Working Group discussed issues concerning such a permanent forum. It also discussed questions relating to the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people. The report of the Working Group (E/CN.4/Sub.2/1996/21) notes that indigenous people's organizations and many Governments expressed the view that the establishment of a permanent forum was a high priority, and that the forum should be established at the highest possible level of the

United Nations with a mandate that covered the full range of issues of concern to indigenous people. Furthermore, it should not be a replacement for the Working Group on Indigenous Populations.

4. At the fourteenth session, the observer for Chile reiterated the offer of his Government to host the second workshop on the possible establishment of a permanent forum, which was welcomed by the Working Group.

5. At its forty-eighth session, the Sub-Commission considered questions relating to the possible establishment of a permanent forum under its agenda item entitled "Discrimination against indigenous peoples". In its resolution 1996/35 of 29 August 1996, the Sub-Commission requested the Secretary-General, in preparing his review of existing mechanisms, procedures and programmes within the United Nations concerning indigenous people, to take into account the views and opinions on the permanent forum expressed at the fourteenth session of the Working Group and the information received from indigenous peoples and communities, as well as from Governments. The Sub-Commission welcomed the offer by the Government of Chile to host the second workshop on a permanent forum and recommended that the Centre for Human Rights organize such a workshop in early 1997. The Sub-Commission also recommended that the permanent forum be established in the early part of the International Decade of the World's Indigenous People and that its mandate should include questions relating to all fields included in the programme of activities for the International Decade. The Sub-Commission further recommended that the Commission on Human Rights endorse the recommendation of the Sub-Commission that the Centre for Human Rights organize a second workshop.

6. In accordance with General Assembly resolution 50/157 of 21 December 1995, the Secretary-General conducted a review of the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people (A/51/493), which he submitted to the General Assembly at its fifty-first session. The review is based on information received from Governments, relevant United Nations organs and bodies, intergovernmental organizations, indigenous organizations and non-governmental organizations.

7. The report states, inter alia, that although there is a noticeable difference in the level of activity among United Nations bodies whose mandates have a bearing on indigenous people's concerns, there is a growing interest and concern for indigenous issues among the different organizations and departments of the United Nations system. There are now a number of indigenous-related programmes and projects being implemented and planned by United Nations agencies. However, there exists no mechanism to ensure regular exchange of information between the concerned and interested parties - Governments, the United Nations system and indigenous people - on an ongoing basis. The information provided by the United Nations agencies does not indicate that adequate procedures are already in place to accommodate the effective involvement of indigenous people in the work of the United Nations.

8. At its fifty-first session the General Assembly adopted resolution 51/78, in which the Assembly requested the Secretary-General to transmit the review of existing mechanisms, procedures and programmes, to Governments, relevant intergovernmental organizations, and indigenous organizations for their comments for submission to the fifty-third session of the Commission on Human Rights. Any comments received will be contained in an addendum to the present document.